

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KELI P. MAY, SHARON SOUSA, and) Case No. 2:15-cv-02142-RFB-DJA
THOMAS BODOVINAC, individually and on)
behalf of others similarly situated,)
Plaintiffs,)
vs.)
WYNN LAS VEGAS, LLC,)
Defendant.)

ORDER PRELIMINARILY
APPROVING CLASS ACTION
SETTLEMENT

**ORDER PRELIMINARILY
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Before the Court for consideration is the Joint Motion for Preliminary Approval of Class Action Settlement (ECF No. 132). Counsel for Plaintiffs and Defendant appeared at the hearing. Having considered the Joint Motion and all supporting legal authorities and documents the Court orders as follows:

1. The Court hereby preliminarily approves settlement of this action upon the terms and conditions set forth in the Agreement for Settlement of Class Action and Release (“Settlement Agreement”), subject only to the objections of the Class Members and final review and approval of the Court.

2. The court adopts all defined terms as set forth in the Agreement for Settlement of Class Action and Release (hereinafter “Settlement Agreement”) and references the Exhibits thereto.

3. The Court preliminarily finds that the gross maximum settlement amount of \$898,500.00 is within the range of reasonableness necessary for preliminary approval and that this amount is fair, adequate, and reasonable as to all potential members of the settlement class when

1 balanced against the probable outcome of further litigation, and ultimately relating to liability and
2 damages issues.

3 4. The Court conditionally certifies the following Class solely for purposes of settlement:

4 All hourly paid non-exempt persons employed by or formerly employed as security
5 officers by Defendant Wynn Las Vegas, LLC at any time from October 14, 2012
through November 26, 2019.

6 5. The Court appoints named Plaintiffs Keli P. May, Sharon Sousa, and Thomas
7 Bodovinac as Class Representatives.

8 6. The Court appoints Leon Greenberg of Leon Greenberg Professional Corporation
9 and Christian Gabroy of Gabroy Law Offices as Class Counsel.

10 7. The Court confirms American Legal Claim Services, LLC, as Claims administrator
11 and approves the notice and claim procedures set forth in the Settlement Agreement.

12 8. The Court approves, as to form and content, the Claim Form (Exhibit A) and the
13 Notices to the Class of Proposed Settlement (Exhibits B and F).

14 9. The Court hereby enjoins Plaintiffs and all Class Members from filing or prosecuting
15 any other cases, claims, suits, or administrative proceedings (including filing claims with the Nevada
16 Office of the Labor Commissioner) regarding the Released Claims unless and until such Class
17 Members have filed valid and timely Requests for Exclusion with the Claims Administrator and the
18 time for filing claims with the Claims Administrator has elapsed.

19 10. Within thirty (30) calendar days following entry of this Preliminary Approval Order,
20 Defendant must provide to the Claims Administrator a spreadsheet listing the following information
21 for each Class Member derived from Defendant's payroll and/or personnel records: name and last
22 known (to Defendant) address of those hourly paid non-exempt persons employed by or formerly
23 employed as security officers by Defendant at any time from October 14, 2012 through November
24 26, 2019 ("Class Member Notice List") and the total number of days worked by each Class Member

1 from October 14, 2012 through November 26, 2019. The Class Member Notice List must be provided
2 in a format reasonably acceptable to the Claims Administrator. Defendant will consult with the Claims
3 Administrator prior to the production date to ensure that the format will be acceptable to the Claims
4 Administrator. The Class Member Notice List will be used only by the Claims Administrator for the
5 sole purpose of effectuating the Settlement.

6 11. Within twenty-one (21) calendar days following receipt of the Class Member Notice
7 List, the Claims Administrator will mail a Notice (Exhibit B) and Claim Form (Exhibit A) to each
8 Class Member who is not included on Exhibit E ("FLSA Subgroup"). Class Members who are part
9 of the FLSA Subgroup will also be mailed a Notice (Exhibit F).

10 12. Class Members, other than the FLSA Subgroup, have ninety (90) days following
11 mailing of the Notice and Claim Form to mail a fully-completed and signed Claim Form to the Claims
12 Administrator. Members of the FLSA Subgroup will not be required to submit a Claim Form in order
13 to participate in the settlement.

14 13. Any Class Member who wants to be excluded from the Settlement must mail a request
15 for exclusion to the Claims Administrator no later than ninety (90) days following mailing of the
16 Notice.

17 14. Any Class Member who objects to the Settlement must file with the Court and serve
18 on Class Counsel, Defendant's counsel, and the Claims Administrator, his or her objection no later
19 than ninety (90) days following mailing of the Notice.

20 15. A final approval hearing will be held on November 4, 2020 at 10:00 am by
21 **videoconference** (the courtroom administrator may be contacted for details) to determine (a) whether
22 the proposed settlement is fair, reasonable, and adequate and should be finally approved; (b) the
23 amount of attorney's fees and costs to award to

1 Class Counsel; and (c) the amount of the Class Representative Service Awards for the Class
2 Representatives.

3 **IT IS SO ORDERED.**

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5 **DATED:** June 30, 2020.

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RICHARD FRANKLIN BOULWARE II
UNITED STATES DISTRICT JUDGE